

Jules A. Epstein, P.C.
ATTORNEY AT LAW
600 OLD COUNTRY ROAD
SUITE 505
GARDEN CITY, NEW YORK 11530
TELEPHONE: (516) 745-1325
FAX: (516) 222-1499
E-MAIL: jaepc1@aol.com / jaepc2@aol.com

February 19, 2016

**Via E-Filing and
UPS Overnight Service**

Hon. Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: Edrich v. Festinger
EDNY Case No: 12-4069**

Dear Judge Brodie:

I represent Plaintiff George Edrich. Kindly consider this correspondence a status report as directed by Your Honor's February 17, 2016 Order.

The Appellate Division, Second Department (App. Div. Case No. 2014/01132) affirmed summary judgment dismissing the state court proceeding for the turnover and delivery of the mortgage in the name of non-party MMAL Corp. However, the Second Department's decision does not conclusively resolve this matter.

The complaint here seeks a determination renewing Plaintiff's 1994 judgment against Defendant Samuel Festinger. Defendant has not filed an answer in this action. By letter dated October 5, 2012 (ECF Document #5) Defendant requested a pre-motion conference for a contemplated dismissal motion. (The Appellate Division's determination renders moot the issue of joining MMAL Corp. as a necessary party.)

A pre-motion conference was held on December 5, 2012. The Court stayed this action pending the determination of the state court action relating to the MMAL Corp.

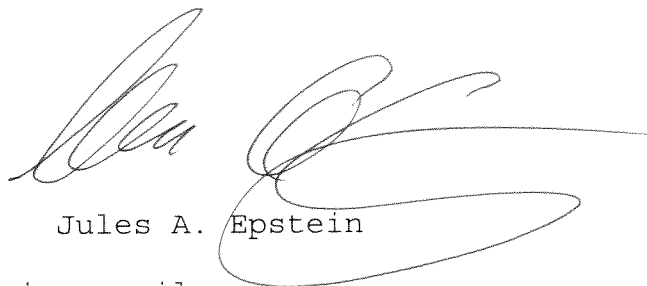
On October 29, 2013 the Court ordered the parties to address the issues whether or not the Court should grant the relief demanded by Plaintiff in this action.

By letter dated November 15, 2013 (ECF Document #8), I expressed Plaintiff's arguments to deny Defendant's proposed dismissal motion and why Plaintiff is entitled to the relief demanded in the complaint.

Plaintiff submits that (a) Defendant's application for a pre-motion conference be denied and Defendant directed to serve and file an answer within a time certain or grant Plaintiff a default judgment; or (b) a pre-motion conference for Defendant's contemplated motion be scheduled.

Thank you for your kind consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Jules A. Epstein', with a large, stylized flourish extending from the end of the signature.

cc: Israel Goldberg, Esq. via e-mail